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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 03-07-70344 BZ
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER
	)	EXCLUDING TIME
v.	)	
	)	
JOHN DOE aka VADINHO aka	)	
GERARDO GUILLERMO RUIZ-	)	
SANCHEZ,	)	
	)	
Defendant.	)	

On June 22, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 22, 2007 through July 10, 2007. The parties represented that granting the continuance was necessary for continuity of counsel, taking into account the exercise of due diligence, insofar as counsel for the defendant and counsel for the Government are each unavailable for certain dates within this period. Counsel for the defendant also agreed to waive the defendant's right to a preliminary hearing within 10 days, pursuant to Fed. R. Crim. P. 5.1(c), in light of these scheduling conflicts. The parties also represented that the continuance was also necessary for effective preparation of

counsel to permit defense counsel to review discovery. See 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO STIPULATED.

SCOTT N. SCHOOLS  
United States Attorney

DATED: July 9, 2007

/s/  
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DENISE MARIE BARTON  
Assistant United States Attorney

DATED: July 9, 2007

/s/  
\_\_\_\_\_  
GEORGE BOISSEAU  
Attorney for JOHN DOE aka VADINHO  
aka GERARDO GUILLERMO RUIZ-  
SANCHEZ

**IT IS SO ORDERED.**

As the Court found on June 22, 2007, and for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from June 22, 2007 through July 10, 2007 for continuity of counsel and effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant continuity of counsel and effective preparation of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice.

See 18 U.S.C. §3161(h)(8)(B)(iv).

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Bernard Zimmerman  
United States Magistrate Judge